

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce the cost of providing federally funded prescription drugs by eliminating fraudulent payments and prohibiting coverage of Viagra for child molesters and rapists and for drugs intended to induce abortion.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 4872

To provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

1 At the end of subtitle D of title I, add the following:

1 **SEC. 1306. REDUCING HEALTH CARE COSTS BY ELIMI-**
2 **NATING PAYMENTS FOR FRAUDULENT**
3 **CLAIMS AND PROHIBITING COVERAGE FOR**
4 **ABORTION DRUGS AND ERECTILE DYSFUNC-**
5 **TION DRUGS FOR RAPISTS AND CHILD MO-**
6 **LESTERS.**

7 (a) **ELIMINATING FRAUDULENT PAYMENTS FOR**
8 **PRESCRIPTION DRUGS.**—The Secretary shall establish a
9 fraud prevention system and issue guidance to—

10 (1) prevent the processing of claims of pre-
11 scribing providers and dispensing pharmacies
12 debarred from Federal contracts or excluded from
13 the Medicare program under title XVIII of the So-
14 cial Security Act (42 U.S.C. 1395 et seq.) or the
15 Medicaid program under title XIX of such Act (42
16 U.S.C. 1396 et seq.);

17 (2) ensure that drug utilization reviews and re-
18 stricted recipient program requirements adequately
19 identify and prevent doctor shopping and other
20 abuses of controlled substances;

21 (3) develop a claims processing system to iden-
22 tify duplicate enrollments and deaths of Medicaid
23 beneficiaries and prevent the approval of fraudulent
24 claims; and

25 (4) develop a claims processing systems to iden-
26 tify deaths of Medicaid providers and prevent the

1 approval of fraudulent claims filed using the identity
2 of such providers.

3 (b) PROHIBITING COVERAGE OF CERTAIN PRESCRIP-
4 TION DRUGS.—

5 (1) IN GENERAL.—Health programs adminis-
6 tered by the Federal Government and American
7 Health Benefit Exchanges (as described in section
8 1311 of the Patient Protection and Affordable Care
9 Act) shall not provide coverage or reimbursement
10 for—

11 (A) prescription drugs to treat erectile dys-
12 function for individuals convicted of child mo-
13 lestation, rape, or other forms of sexual assault;
14 or

15 (B) drugs prescribed with the intent of in-
16 ducing an abortion for reasons other than as
17 described in paragraph (2).

18 (2) EXCEPTIONS.—The limitation under para-
19 graph (1)(B) shall not apply to an abortion—

20 (A) in the case where a woman suffers
21 from a physical disorder, physical injury, or
22 physical illness that would, as certified by a
23 physician, place the woman in danger of death
24 unless an abortion is performed, including a

- 1 life-endangering physical condition caused by or
- 2 arising from the pregnancy itself; or
- 3 (B) if the pregnancy is the result of an act
- 4 of forcible rape or incest.